

IC 31-33-25

Chapter 25. Statewide Child Fatality Review Committee

IC 31-33-25-1**"Child"**

31-33-25-1 Sec. 1. As used in this chapter, "child" means an individual less than eighteen (18) years of age.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-2**"Emergency medical services"**

31-33-25-2 Sec. 2. As used in this chapter, "emergency medical services" means emergency ambulance services or other services, including extrication and rescue services, provided to an individual in need of immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-3**"Local child fatality review team"**

31-33-25-3 Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under IC 31-33-24.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-4**"Mental health provider"**

31-33-25-4 Sec. 4. As used in this chapter, "mental health provider" means any of the following:

- (1) A registered nurse or licensed practical nurse licensed under IC 25-23.
- (2) A clinical social worker licensed under IC 25-23.6-5.
- (3) A marriage and family therapist licensed under IC 25-23.6-8.
- (4) A psychologist licensed under IC 25-33.
- (5) A school psychologist licensed by the Indiana state board of education.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-5**"Statewide child fatality review committee"**

31-33-25-5 Sec. 5. As used in this chapter, "statewide child fatality review committee" refers to the statewide child fatality review committee established by section 6 of this chapter.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-6**Purpose**

31-33-25-6 Sec. 6. (a) The statewide child fatality review committee is established to review a child's death that is:

- (1) sudden;
- (2) unexpected; or
- (3) unexplained;

if the county where the child died does not have a local child fatality review team or if the local child fatality review team requests a review of the child's death by the statewide committee.

(b) The statewide child fatality review committee may also review the death of a child upon request by an individual.

(c) A request submitted under subsection (b) must set forth:

- (1) the name of the child;
- (2) the age of the child;
- (3) the county where the child died;
- (4) whether a local child fatality review team reviewed the death; and
- (5) the cause of death of the deceased child.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-7

Child fatality review determinations; review of all records

31-33-25-7 Sec. 7. (a) A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:

- (1) the department of child services; or
- (2) a local child fatality review team.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-8

Team members

31-33-25-8 Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

- (1) a coroner or deputy coroner;
- (2) a representative from:
 - (A) the state department of health established by IC 16-19-1-1;
 - (B) a local health department established under IC 16-20-2;or
 - (C) a multiple county health department established under IC 16-20-3;
- (3) a pediatrician;
- (4) a representative of law enforcement;
- (5) a representative from an emergency medical services provider;
- (6) the director or a representative of the department;
- (7) a representative of a prosecuting attorney;

- (8) a pathologist with forensic experience who is licensed to practice medicine in Indiana;
- (9) a mental health provider;
- (10) a representative of a child abuse prevention program; and
- (11) a representative of the department of education.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-9

Chairperson

31-33-25-9 Sec. 9. (a) The chairperson of the statewide child fatality review committee shall be selected by the governor.

(b) The statewide child fatality review committee shall meet at the call of the chairperson.

(c) The statewide child fatality review committee chairperson shall determine the agenda for each meeting.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-10

Meetings open; exceptions

31-33-25-10 Sec. 10. (a) Except as provided in subsection (b), meetings of the statewide child fatality review committee are open to the public.

(b) Except as provided in subsection (d), a meeting of the statewide child fatality review committee that involves:

- (1) confidential records; or
- (2) identifying information regarding the death of a child that is confidential under state or federal law;

shall be held as an executive session.

(c) If a meeting is held as an executive session under subsection (b), each individual who:

- (1) attends the meeting; and
- (2) is not a member of the statewide child fatality review committee;

shall sign a confidentiality statement prepared by the department. The statewide child fatality review committee shall keep all confidentiality statements signed under this subsection.

(d) A majority of the members of the statewide child fatality review committee may vote to disclose any report or part of a report regarding a fatality review to the public if the information is in the general public interest as determined by the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-11

Confidentiality; immunity

31-33-25-11 Sec. 11. Members of the statewide child fatality review committee and individuals who attend a meeting of the statewide child fatality review committee as an invitee of the chairperson:

- (1) may discuss among themselves confidential matters that are

- before the statewide child fatality review committee;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the statewide child fatality review committee; and
- (3) except when acting:
 - (A) with malice;
 - (B) in bad faith; or
 - (C) with gross negligence;are immune from any civil or criminal liability that might otherwise be imposed as a result of communicating among themselves about confidential matters that are before the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-12

Training

31-33-25-12 Sec. 12. The department shall provide training to the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-13

Data collection and sharing

31-33-25-13 Sec. 13. (a) The department shall collect and document information surrounding the deaths of children reviewed by the statewide child fatality review committee. The department shall develop a data collection form that includes:

- (1) identifying and nonidentifying information;
- (2) information regarding the circumstances surrounding a death;
- (3) factors contributing to a death; and
- (4) findings and recommendations.

(b) The data collection form developed under this section must also be provided to:

- (1) the appropriate community child protection team established under IC 31-33-3; and
- (2) the appropriate:
 - (A) local health department established under IC 16-20-2; or
 - (B) multiple county health department established under IC 16-20-3.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-14

Affirmative votes of voting members required for action

31-33-25-14 Sec. 14. The affirmative votes of the voting members of a majority of the statewide child fatality review committee are required for the committee to take action on any measure.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-15

Expenses

31-33-25-15 Sec. 15. The expenses of the statewide child fatality review committee shall be paid from funds appropriated to the department.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-16

Testimony

31-33-25-16 Sec. 16. The testimony of a member of the statewide child fatality review committee is not admissible as evidence concerning an investigation by the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.